

Message Text

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TO SECSTATE WASHDC 4622

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TAGS: CASC, MX

SUBJ: AMERICAN ARRESTEES AND PRISONERS

FOR SCS

REF: STATE'S 205401

1. SUMMARY: CG VISITED POSTS AT HERMOSILLO, TIJUANA, CIUDAD JUAREZ, MONTERREY AND GUADALAJARA. DISCUSSIONS WITH PRINCIPAL OFFICERS AND OTHER RESPONSIBLE CONSULAR OFFICERS CONCERNING PROBLEM OF AMERICAN ARRESTEES AND PRISONERS REVEALED THAT, IN GENERAL, THE ARRESTEE AND PRISONER WELFARE SITUATION SEEMS TO HAVE IMPROVED DURING THE LAST THREE MONTHS, CONSULAR OFFICERS SHOWED A HIGH DEGREE OF AWARENESS OF THE IMPORTANCE OF THIS CONSULAR FUNCTION AND ALERTNESS TO POSSIBLE MISTREATMENT AND ABUSE OF AMERICAN ARRESTEES AND PRISONERS BY AUTHORITIES AND UN-ETHICAL LAWYERS. SERIOUS MISTREATMENT AND ABUSE HAS OCCURRED IN ISOLATED CASES. ATTORNEYS ARE NOT GENERALLY CHARGING UNREASONABLE FEES; SOME HAVE BEEN GUILTY OF WHAT CAN BE CONSIDERED UNETHICAL CONDUCT. CONSULAR OFFICERS ARE FULLY AWARE OF THEIR RESPONSIBILITY AND RENDER TO AMERICANS APPROPRIATE AND SYMPATHETIC ASSISTANCE, SUCCESSFULLY OVERCOMING IN MANY CASES A LESS THAN ACCEPTABLY CO-OPERATIVE OR UNDERSTANDING ATTITUDE ON THE PART OF SOME AUTHORITIES. PROMPT ACTION IS TAKEN TO BRING AGGRAVATED CASES OF PRISONER MISTREATMENT AND DENIAL OF RIGHTS TO APPROPRIATE LOCAL MEXICAN AUTHORITIES AND EMBASSY. GOOD RELATIONS BETWEEN CONSULAR OFFICERS, PRISON AUTHORITIES AND

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PRISONERS' ATTORNEYS MAKE IT POSSIBLE TO PROVIDE EFFECTIVE

ASSISTANCE WITHOUT THE NEED OF FREQUENT CONSULAR VISITS TO PRISONS AND INDIVIDUAL PRISONERS. CONSULAR OFFICERS ARE GENERALLY OF THE OPINION THAT THE OPTIMUM FREQUENCY OF ROUTINE VISITS TO EACH PRISONER IS ABOUT EIGHT WEEKS. MORE FREQUENT VISITS ARE TIME-AND-EFFORT-WASTING AND AT TIMES COUNTER-PRODUCTIVE BECAUSE THEY LEAD TO PRISONER FRUSTRATION AND CHARGES THAT A CONSULAR OFFICER IS "DOING NOTHING" FOR THE PRISONER. WHERE MORE FREQUENT VISITS ARE WARRANTED IN INDIVIDUAL PRISONER CASES THEY ARE BEING MADE. ALL POSTS ARE ENGAGED IN A CONTINUING EFFORT TO EDUCATE FEDERAL AND LOCAL AUTHORITIES TO OBSERVE THE PROVISIONS OF THE CONSULAR CONVENTION WITH RESPECT TO CONSULAR ACCESS TO DETAINED AMERICANS. IT IS BELIEVED THAT MOST AUTHORITIES ARE AWARE OF THE PROVISIONS SINCE THEY ALMOST ALWAYS OBSERVE THEM EXCEPT IN DRUG CASES. THE LATTER ARE OBVIOUSLY CONSIDERED TO BE A SPECIAL CATEGORY. THE FACT THAT THESE CASES ARE INITIALLY HANDLED BY THE FEDERAL JUDICIAL POLICE ALSO ADDS TO THE DIFFICULTY OF THIS PROBLEM. ALTHOUGH THE SITUATION IS IMPROVING THE PROBLEM OF ACCESS UNDOUBTEDLY WILL CONTINUE FOR SOME TIME TO COME.

2. HERMOSILLO. THE CONSULATE GENERAL REPORTED CONSIDERABLY IMPROVED CONDITIONS WITH RESPECT TO ARRESTEES AND PRISONERS SINCE THE MOVE TO THE NEW PRISON AND THE APPOINTMENT OF THE PRESENT DIRECTOR. LAWYERS ARE CONSIDERED TO BE REPUTABLE AND FAIR. FEES CHARGED DO NOT EXCEED \$2,000.00 PER CASE. REGULAR CONSULAR VISITS TAKE PLACE TO THE HERMOSILLO PRISON ABOUT EVERY FOUR WEEKS. VISITS TO THE NOGALES, SONORA, PRISON TAKE PLACE EVERY TWO WEEKS WHEN AN OFFICER MAKES THE CLASSIFIED POUCH-RUN TO NOGALES, ARIZONA. PRISONER COMPLAINTS ARE GENERALLY AGAINST THE CONSULATE GENERAL'S FAILURE TO ESTABLISH INNOCENCE OF AN INDIVIDUAL AND OBTAIN HIS RELEASE.

3. TIJUANA. THE CONSULATE GENERAL REPORTED THAT MISTREATMENT OF PRISONERS IS NO PROBLEM IN ITS DISTRICT. PRISONER COMPLAINTS ARE PRACTICALLY NONEXISTENT SINCE A NEW CHIEF OF POLICE AND MAYOR IN TIJUANA DISMISSED MANY PRISON AND OTHER OFFICIALS CHARGED WITH EXTORTION AND OTHER FORMS OF ABUSE OF PRISONERS. THE CONSUL GENERAL IS CONVINCED THAT THESE TWO KEY OFFICIALS ARE EXERTING ENERGETIC EFFORTS TO EFFECT FURTHER IMPROVEMENTS.

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LAWYERS ARE CONSIDERED TO BE GENERALLY GOOD, FAIR AND REPUTABLE. ONE, WHO SERVES HIS CLIENTS BEST, IS NOT ON THE CONSULATE GENERAL'S LAWYERS LIST BECAUSE OF HIS QUESTIONABLE METHODS. A LOCAL EMPLOYEE MAKES FREQUENT PRISON VISITS IN TIJUANA. LESS FREQUENT VISITS ARE MADE TO JAILS IN OTHER PARTS OF THE CONSULAR DISTRICT. THE CONSULATE GENERAL REPORTS THAT ONLY ONE PRISONER - IN MEXICALI - HAS COMPLAINED ABOUT INFREQUENCY OF VISITS.

5. CIUDAD JUAREZ. THE CONSULATE HAS ALSO NOTED IMPROVEMENT IN PENITENTIARY CONDITIONS SINCE A NEW DIRECTOR WAS APPOINTED RECENTLY. MISTREATMENT OF PRISONERS AND EXTORTION ARE CONSIDERED TO BE AT A BARE MINIMUM. THE CONSULATE GENERAL REPORTED THAT PRISONERS, IN JAIL MOSTLY ON DRUG CHARGES, SELDOM REGISTER COMPLAINTS OF ANY KIND. ALTHOUGH THE QUALITY OF LAWYERS IS BELIEVED TO LEAVE SOMETHING TO BE DESIRED, FEES, RANGING FROM \$1,500.00 TO \$3,000.00 PER CASE, ARE NOT EXCESSIVE. EXTORTION PRACTICED BY TAXI DRIVERS AND POLICE (TAXI DRIVERS OFFER MARIJUANA TO THEIR FARES AND THEN TIP-OFF THE POLICE) IS STILL A PROBLEM BUT THE CONSULATE HAS BEEN SUCCESSFUL IN SIGNIFICANTLY REDUCING THE INCIDENCE THROUGH APPROACHES TO THE AUTHORITIES. THE PROTECTION OFFICER VISITS THE PENITENTIARY ONCE A WEEK TO CHECK ON RELEASES OR NEW ADMISSIONS. ALL PRISONERS ARE GIVEN AN OPPORTUNITY TO SEE THE CONSULAR OFFICER ON EACH WEEKLY VISIT. ON THIS BASIS, HE ACTUALLY SEES EVERY PRISONER WHO WANTS TO SEE HIM ABOUT EVERY THREE MONTHS. THEREAPPEAR TO BE VERY FEW, IF ANY, COMPLAINTS THAT CONSULAR ASSISTANCE IS INADEQUATE.

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6. MONTERREY. THE PROTECTION OFFICER AT MONTERREY BELIEVES THAT MOST OF THE AMERICAN PRISONERS ARRESTED IN THE MONTERREY DISTRICT UNDERGO MISTREATMENT OF VARIOUS SORTS AND DEGREES OF SEVERITY. LAWYERS GENERALLY CHARGE BETWEEN \$500.00 TO \$4,000.0 DEPENDING ON THE PARTICULAR CASE AND THE INDIVIDUAL LAWYER. MONTERREY NOTED ONE RECENT SERIOUS CASE OF EXTORTION WHICH INVOLVED A REPORTED \$72,000.00 PAYMENT DEMANDED BY A LAWYER WHO DID SECURE THE RELEASE OF HIS CLIENT. THERE ARE NO COMPLAINTS FROM PRISONERS OR THEIR RELATIVES THAT

CONSULAR ASSISTANCE TO AMERICAN PRISONERS IS INADEQUATE. A CONSULAR OFFICER MAKES REGULAR VISITS TO PRISONERS IN MONTERREY, BUT BECAUSE OF DISTANCE AND OTHER FACTORS, INCLUDING LACK OF PERSONNEL, MUCH LESS FREQUENTLY VISITS PRISONERS IN OTHER PARTS OF THE DISTRICT. MONTERREY POINTS OUT, HOWEVER, IT RECEIVES NO COMPLAINTS THAT VISITS ARE TOO INFREQUENT. THE CONSULATE GENERAL DOES CALL ON AMERICAN CITIZENS LIVING IN TORREON AND TAMPICO TO HELP IT IN RENDERING ASSISTANCE TO AMERICAN PRISONERS IN JAILS IN THOSE CITIES.

7. GUADALAJARA. EXCEPT FOR AN OCCASIONAL INSTANCE OF MISTREATMENT OF AN AMERICAN PRISONER AND USUAL FAILURE OF THE AUTHORITIES EITHER TO NOTIFY THE CONSULATE GENERAL OF THE ARREST OF AN AMERICAN, OR TO PERMIT THE LATTER TO CALL A CONSULAR OFFICER FOLLOWING HIS ARREST, GUADALAJARA APPEARS TO HAVE NO SIGNIFICANT PROBLEMS WITH RESPECT TO ARREST AND PRISONER CASES. LAWYERS AVAILABLE FOR AMERICAN PRISONERS ARE RELATIVELY GOOD AND THEIR FEES, WHICH RANGE BETWEEN \$3,500.00 TO \$4,000.00 PER CASE, NOT EXCESSIVE. THERE APPEARS TO BE NO EXTORTION OF AMERICAN PRISONERS EITHER BY LAWYERS OR PRISON AUTHORITIES OR OTHERS. PRISON

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VISITS ARE MADE ONCE A MONTH OR MORE FREQUENTLY AS NEEDED.

8. MEXICO CITY. SINCE THE HIGHLY PUBLICIZED HUNGER STRIKE OF LAST JULY THERE HAS BEEN CONSIDERABLE IMPROVEMENT IN THE SITUATION IN MEXICO CITY. WHILE THERE HAVE BEEN ADDITIONAL ALLEGATIONS OF MISTREATMENT, THE NUMBER AND THE DEGREE OF SEVERITY HAVE DECREASED SPECTACULARLY. AT LECUMBERRI EXTORTION (WHICH PURCHASES RELIEF FROM WORK AND ENJOYMENT OF A VARIETY OF PRIVILEGES) STILL EXISTS AND SOME PHYSICAL HARDSHIPS ARE SUFFERED BY NEW PRISONERS OR VIOLATORS OF THE PRISON'S CODE OF DISCIPLINE. DURING THE LAST TWO MONTHS, THE EMBASSY HAS UNCOVERED AND BROUGHT TO THE ATTENTION OF APPROPRIATE AUTHORITIES UNETHICAL CONDUCT AND FRAUD ON THE PART OF THREE INDIVIDUALS RETAINED BY PRISONERS TO REPRESENT THEM. TWO OF THEM ARE NOT LICENSED LAWYERS AND THE OTHER HAS BEEN STRICKEN FROM THE EMBASSY'S LAWYERS LIST. THE EMBASSY WAS INSTRUMENTAL IN HAVING IN HAVING CRIMINAL CHARGES OF FRAUD BROUGHT AGAINST ONE OF THE UNLICENSED ATTORNEYS. CONSULAR OFFICERS PROVIDE THE FULL RANGE OF CONSULAR ASSISTANCE TO AMERICAN PRISONERS. REGULAR VISITS ARE MADE TO PRISONS IN MEXICO CITY (EVERY TWO MONTHS) AND ACAPULCO (EVERY SIX WEEKS). CONSULAR OFFICERS ARE ALSO IN FREQUENT TELEPHONE CONTACT WITH PRISON AUTHORITIES AND INDIVIDUAL PRISONERS AS NEEDED. AMERICAN PRISONERS IN JAILS AT A CONSIDERABLE DISTANCE FROM THE CAPITAL ARE VISITED FAR LESS FREQUENTLY. IN THE INTERIOR, HOWEVER, AMERICAN PRISONERS ARE RENDERED ASSISTANCE THROUGH TELEPHONE

CONTACTS WITH PRISON AND OTHER AUTHORITIES, THE PRISONERS THEMSELVES AND THEIR LAWYERS. RECEIPT OF COMPLAINTS ABOUT INADEQUATE ASSISTANCE OR INFREQUENCY OF VISITS ARE ALMOST ENTIRELY CONFINED TO PRISONERS VISITED MOST FREQUENTLY AND WHO ARE IN JAIL ON DRUG CHARGES. THE AMERICANS ARRESTED AT THE MEXICO CITY INTERNATIONAL AIRPORT FOR SMUGGLING OF HARD DRUGS CONSTITUTE A SPECIAL CLASS OF PRISONER. THEY ARE WELL ORGANIZED AND ARTICULATE. KNOWING THAT THEY ARE FACING STIFF SENTENCES THEY HAVE GONE TO EXTREMES TO MAKE THEIR PLIGHT KNOWN TO ALL WHO WILL LISTEN.

9. THE EMBASSY AND CONSTITUENT POSTS CONTINUE ON A HIGH STATE OF ALERT TO BRING ABOUT FURTHER IMPROVEMENTS IN THE GENERAL PRISONER WELFARE SITUATION IN MEXICO, ESPECIALLY
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WITH RESPECT TO COMPLIANCE WITH AN ARRESTED AMERICAN'S REQUEST THAT HE BE PERMITTED TO CALL A CONSULAR OFFICER AND THE RIGHT OF A CONSULAR OFFICER TO VISIT DETAINED AMERICANS AS SOON AS POSSIBLE AFTER THE ARREST. POSTS ARE UNDER INSTRUCTIONS TO BRING TO THE ATTENTION OF LOCAL AUTHORITIES KNOWN INSTANCES OF VIOLATION OF THE CONSULAR CONVENTION AND MISTREATMENT OF AMERICAN CITIZENS. CONSULATES ARE ALSO INSTRUCTED TO REPORT TO THE EMBASSY CASES WHICH MIGHT REQUIRE ATTENTION AT THE NATIONAL LEVEL BECAUSE OF FAILURE OF LOCAL AUTHORITIES TO TAKE REMEDIAL ACTION. THE EMBASSY CONTINUES TO BRING TO THE ATTENTION OF MEXICAN AUTHORITIES KNOWN INSTANCES OF ABUSE AND MISTREATMENT OF AMERICANS AND DENIAL OF RIGHTS UNDER THE CONSULAR CONVENTION.

10. THE EMBASSY BELIEVES THAT THE GENERAL SITUATION HAS IMPROVED CONSIDERABLY. IT WILL PRESS FOR AND EXPECTS FURTHER IMPROVEMENT IN THE MONTHS TO COME. ALTHOUGH NO AMERICAN PRISONER ABUSE OR MISTREATMENT CAN BE CONDENSED, THE EMBASSY POINTS OUT THAT MANY ALLEGATIONS BY PRISONERS ARE SELF-SERVING AND HIGHLY EXAGGERATED, IF NOT ACTUALLY FABRICATED. THE EMBASSY AND CONSTITUENT POSTS WILL CONTINUE TO BE VIGOROUSLY INVOLVED IN THE EFFORT TO EFFECT FURTHER IMPROVEMENTS AND REMOVE CAUSES OF LEGITIMATE PRISONER COMPLAINTS.

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